

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MARILYN M. SLONIKER,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner Social Security Administration,

Defendant.

ORDER

12-cv-510-wmc

This is an action for judicial review of an adverse decision of the Commissioner of Social Security brought pursuant to 42 U.S.C. § 405(g). Plaintiff Marilyn M. Sloniker contends that the Administrative Law Judge (“ALJ”) erred in finding that she was not disabled under the statute. Her reasons are many. They alternate between challenges to specific findings and general complaints that the ALJ’s findings were discriminatory in nature. In particular, Sloniker raises the issue of whether the ALJ committed legal error by failing to “determine the onset date” for each of her impairments. She relies on Social Security Ruling 83-20 (“SSR 83-20”) and case law interpreting that ruling. (Pl.’s Reply Br. (dkt. #16) 11-13.)

Given that this argument is raised for the first time in reply briefing, but may have some merit (at least on first blush), the court requests supplemental briefing from the Commissioner on the following: (1) whether the present onset date (August 18, 2009) is enough to cover all of the relevant impairments indicated in the ALJ’s decision; (2) if not, whether this constitutes error, requiring remand for further factual development; and (3) whether the court should remand the onset issue before addressing the other issues in Sloniker’s briefing before any other.

The Commissioner is directed to provide supplemental briefing by no later than 5 p.m., April 25, 2014. Counsel for the Commissioner should also indicate whether the parties wish to stipulate to a remand pursuant to sentence four of Section 205 of the Social Security Act, 42 U.S.C. § 405(g) so that the questions (1)-(3) raised in this Order may be properly addressed.

Entered this 15th day of April, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge